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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,658	12/16/2004	David J. Alessio	SP-1550.2 US	6803
20875	7590	05/23/2006	EXAMINER CHOI, JACOB Y	
MICHAEL C. POPHAL EVEREADY BATTERY COMPANY INC 25225 DETROIT ROAD P O BOX 450777 WESTLAKE, OH 44145			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/518,658

Applicant(s)

ALESSIO, DAVID J.

Examiner

Jacob Y. Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-10, 14-16 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 3-5, 11-13 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

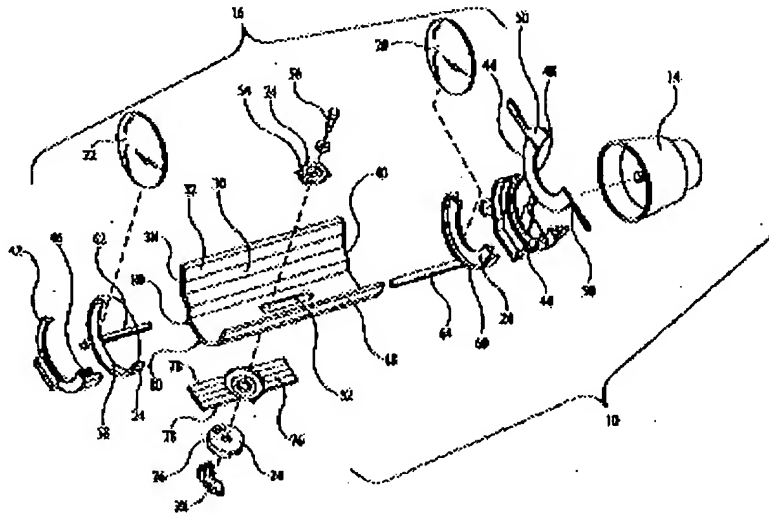
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1, 2, 6-10, 14-16, & 20-22** are rejected under 35 U.S.C. 102(b) as being anticipated by Esakoff et al. (USPN 6,092,914).

Regarding claim **1**, Esakoff et al. discloses a light source (e.g., 66) for generating a light beam, a first magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, a second magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, and an adjusting mechanism (e.g., 24, 60, 64, 58, 62; Figure 1) adjustable (e.g., column 2, lines 15-25; "... *a positioning mechanism, mounted on the housing, is configured to control the position of the first and a second optical components with respect to the illuminator ... etc.*") to move the first and second magnifier lenses relative to the light source (e.g., 66) to adjust size of the light beam (e.g., columns 1-2; "... *a conveniently adjusted*

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lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.) and provide a substantially uniform light beam.



Note: Claims in a pending application should be given their broadest reasonable interpretation (e.g., "uniform"). *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification (e.g., "convex magnifying lens"). *In re Mraz*, 173 USPQ 25 (CCPA 1972).

Regarding claim 2, Esakoff et al. discloses a light pipe for producing a substantially collimated light beam (e.g., column 3, lines 10-20; "... a high-intensity beam 12 of light at a distant location with a variable beam spread and a variable image distance ... etc.") directed at the first and second magnifier lenses.

Regarding claim 6, Esakoff et al. discloses a reflector wherein the light source is mounted at about a focal point of the reflector (e.g., column 4, lines 30-40; "... light originating at one focal point ... etc.").

Regarding claim 7, Esakoff et al. discloses the first and second magnifier lenses each comprises a convex magnifier lens (e.g., 20, 22).

Regarding claim 8, Esakoff et al. discloses each of the magnifier lenses comprises a double convex lens (e.g., 20, 22).

Regarding claim 9, Esakoff et al. discloses each of the magnifier lenses comprises a plano-convex lens (e.g., 20, 22).

Regarding claim 10, Esakoff et al. discloses a lamp (e.g., 66) for generating light energy, a reflector (e.g., 68) for reflecting light generated by the lamp; a light pipe (e.g., 30) for transmitting the light energy in a substantially collimated light beam (e.g., column 3, lines 10-20; "... a high-intensity beam 12 of light at a distant location with a variable beam spread and a variable image distance ... etc."), a first magnifier lens (e.g., 20 or 22) comprises a convex surface and disposed in a path of the light beam, a second magnifier lens (e.g., 20 or 22) comprising a convex surface and disposed in the path of the light beam, and an adjusting mechanism (e.g., 24, 60, 64, 58, 62; Figure 1) adjustable to move the first and second magnifier lenses (e.g., 20, 22) relative to the lamp (e.g., 66) to adjust size of the light beam and provide a substantially uniform light beam (e.g., columns 1-2; "... a conveniently adjusted lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.).

Regarding claim 14, Esakoff et al. discloses the first and second magnifier lenses each comprises a double convex magnifier (e.g., 20, 22).

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Regarding claim 15, Esakoff et al. discloses each of the first and second magnifier comprises a plano-convex magnifier lens (e.g., 20, 22).

Regarding claim 16, Esakoff et al. discloses a first magnifier lens comprises a convex surface, a second magnifier lens comprising a convex surface and arranged in an axial light path of the first magnifier lens and spaced from the first magnifier lens, and an adjusting mechanism adjustable to move the first and second magnifier lenses relative to each other to adjust size of a light beam and provide a substantially uniform light beam when light is directed through the first and second magnifier lenses.

Regarding claim 20, Esakoff et al. discloses the first and second magnifier lenses each comprises a double convex magnifier (e.g., 20, 22).

Regarding claim 21, Esakoff et al. discloses each of the first and second magnifier comprises a plano-convex magnifier lens (e.g., 20, 22).

Regarding claim 22, Esakoff et al. discloses the light beam comprises a spot light beam (e.g., columns 1-2; "... a conveniently adjusted lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.).

### ***Allowable Subject Matter***

Claims 3-5, 11-13, & 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al. (USPN 6,837,596) – lighting device

Kobayashi (USPN 5,068,768) – variable light distribution type automobile lamp

Corbasson et al. (USPN 5,584,568) – lighting method and apparatus having a variable illuminated field

Labrum (USPN 4,151,584) – light-collecting reflector

Fischer et al. (USPN 6,746,124) – flashlight producing uniform high brightness

Fox (USPN 5,630,661) – metal arc flashlight

Weigert (USPN 4,823,243) – miniature spotlight with extremely variable exit angle and constant even field of illumination

Meyer (USPN 5,042,048) – target illuminators and systems employing same


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



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